IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:11-CV-357-MOC-DCK

K-BEECH, INC.,)
Plaintiff,)
v.) MEMORANDUM AND
JOHN DOES 1-29,) <u>RECOMMENDATION</u>
Defendants.)
)

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the status of this case. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. 636(b), and immediate review is appropriate.

On December 28, 2011, Plaintiff filed an "Amended Complaint" (Document No. 25). On January 13, 2012, Defendant Karri Jaske filed an "Answer" (Document No. 30). On January 23, 2012, Defendant Matthew Boes filed an "Answer" (Document No. 31).

On January 6, 2014, the undersigned issued an "Order" (Document No. 32) directing Plaintiff to "show cause why this case should not be dismissed, on or before January 17, 2014." To date, Plaintiff has failed to respond to the Court's "Order" (Document No. 32). Moreover, it appears there has been no activity in this case for over two (2) years.

RECOMMENDATION

FOR THE FOREGOING REASONS, the undersigned respectfully recommends that this case should be **DISMISSED WITHOUT PREJUDICE**.

TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed within fourteen (14) days of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to de novo review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

IT IS SO RECOMMENDED.

Signed: March 20, 2014

David C. Keesler

United States Magistrate Judge